

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2005**

**KATMAI NATIONAL PARK AND PRESERVE
ANIAKCHAK NATIONAL MONUMENT AND PRESERVE
ALAGNAK WILD RIVER**

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2005. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, general comments from the State of Alaska, and comments from five individuals.

GENERAL COMMENTS:

Determinations:

The State of Alaska (State) recommended that the National Park Service (NPS) consolidate all determinations for each park as an attachment to the compendium, unless needed in the body of the document to clarify intent or provide an educational component. The State noted that the development and formatting of the justifications is an evolving process towards better determinations.

The National Park Service (NPS) will incorporate the State's suggestion by attaching lengthier determinations to the compendium, either in the document itself or as a separate attachment. Shorter determinations will accompany an individual compendium entry to facilitate reader understanding or provide an educational component.

Use of state law

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases. Although the mission of the National Park Service and the objectives of the State of Alaska will sometimes conflict, we appreciate the opportunity to work cooperatively with the State where ever possible.

Compendiums as educational tools:

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education and to encourage responsible behavior. It should be noted, however, that the primary purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions. Where possible, and not conflicting with the primary purpose, educational material may be used.

Converting compendium entries into regulation

The State suggested converting several compendium entries into regulation if it appears those entries are reasonable and not likely to change over time.

The NPS appreciates the support to move some compendium entries to regulation, and will be guided by the determining criteria at 36 CFR 1.5, 13.30 and other relevant sections or those items where regulations would better serve the conservation of resources and visitor's ability to enjoy the parks,.

36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:

1.5(a)(2) Designated areas for specific use or activity, or conditions

TWS/NPCA/ACE commented in support of requiring persons engaged in fishing to stop when within 50 yards of a bear.

Three people commented in support of the rule but only as applied to the Brooks River. Two of these people supported the rule only below the bridge.

The State requested changing the proposed word "removing" to "releasing" to prevent anglers taking a fish off the line and holding it while the bears continues to approach.

The State also requested that a written protocol referenced in the compendium (and regulation) accommodate an exception that allows a person to stop and assert themselves if a bear continues to approach when the person is attempting to get out of the way and away from a concentrated food source. The NPS also will take into account the suggestion for visitors to assert themselves in any protocols; however the park will address the protocol comment separately from this compendium process, as it will involve several interested parties.

The NPS believes this provision should be applied throughout the park areas. While the problem may be more pronounced on the Brooks River, the problem exists in all the park areas and will therefore be applied in each of the three areas.

The NPS believes that the State's suggestion to change to wording involving "releasing" will strengthen the entry and will adopt it

2.2(e) Designated areas for wildlife viewing with artificial light

The State noted that state law changed in 2004, and requested revised language.

The NPS did not have adequate time to consider whether the changes in state law allowing for the use of artificial light for taking wildlife should be adopted. Specifically, we need additional

time to consider whether the use of light for taking furbearers is appropriate use in Alaska park areas. We will continue to discuss this issue with the State.

2.3(d)(2) Waters Open to Bait Fishing in Fresh Water

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations.

The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.21, adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3.

2.10(d) Food storage – designated areas and methods

TWS/NPCA/ACE supported the proposed changes in Kenai Fjords and Lake Clark's compendiums clarifying what type of containers qualify as bear resistant food containers and supported the concept of keeping bears wild and visitors safe by keeping bears away from human food. One individual recommended that Katmai, Aniakchak, and Alagnak adopt the Kenai Fjords and Lake Clark definition for bear resistant container.

The State of Alaska recommended a consistent approach, where necessary and applicable, to listing approved bear resistant food containers and the opportunity to discuss and change requirements as emerging technologies arise. The State encouraged the use of state law and continued dialogue on best food storage methods. The State objected to blanket, park-wide requirements. The State commented on a perceived technical problem with the use of the terms "wire or branch." The State encouraged the use of the compendium as an educational tool on the food storage issue.

The NPS appreciates the support of the proposed Kenai Fjords and Lake Clark entries. The NPS believes that some parks may be able to narrow the scope of where food storage is required, but recognizes due to logistical concerns and the differences in parks, that that goal may not be achievable. The NPS is encouraged that continuing dialogue, along with new technology, will continue to positively influence this issue, protecting both park resources and visitors without unduly burdening park visitors. The NPS concurs that education is an important component to this issue. The technical issue of terms will be addressed, using the term "line" instead of "wire" to avoid confusion.

The State also requested that parks that offer Bear Resistant Containers for free of charge notify the public of this in the compendium. The NPS will adopt this recommendation.

Several parks, including Katmai, Aniakchak, and Alagnak will also adopt the Bear Resistant Container definition.

2.14(a)(7) Sanitation designated areas for disposal of fish remains

The State noted that this entry had been eliminated.

This entry was inadvertently dropped. There are no areas designated.

2.14(a)(9) Sanitation – designated areas for disposal of human body waste

One individual commented that the language did not seem to prohibit group latrines.

The NPS agrees that the language should be clarified to prohibit group latrines. The NPS will adopt the suggested language:

Human waste will either be removed as trash or deposited in individual, one time use cat-holes dug at least 100 feet from any surface fresh water source and at least 6 inches deep.

The commentor also expressed concern that the depositing human waste on archeological sites was not prohibited. The NPS does not agree with this concern as disturbing archeological sites is prohibited in 36 CFR 2.1

2.15(a)(1) Pets

The State of Alaska prefers a course of rule making as opposed to compendium restrictions on pets, noting their opposition to the backcountry prohibition at Denali, complementing Kenai Fjords for limiting temporally and spatially the restrictions, and Glacier Bay for seeking further public comment on their pet compendium entry. The State believes that rule making would allow for greater public input. The State acknowledges that in some instances and with certain caveats, site-specific pet prohibitions may be warranted if resource impacts outweigh the public's desire to allow pets.

TWC/NPCA/ACE supports the restrictions of pets in Denali's backcountry and believes all parks should receive similar protection; pets should be limited to roads, parking lots and campgrounds to protect Alaska's outstanding populations of wildlife.

While the NPS believes that the current regulations give the parks adequate means to manage pets, we are willing to consider specific rulemaking appropriate for Alaska national parks. We hope to include Denali, along with Kenai Fjords and Glacier Bay in a Phase II special regulation package. In the meantime, we intend to implement the proposed language for this section.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

That State commented that the entry "No conditions" implies that tying an unattended pet to an object is acceptable behavior and proposed wording for clarity.

The NPS will add an educational piece for clarity.

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

The State of Alaska suggested adding the existing regulatory exception to sleds towed behind a snowmobile with a rigid hitching mechanism.

The language of the compendium reflects the language in the regulation. Because the regulation expressly exempts sleds designed to be towed behind snowmobiles and joined with a rigid hitching mechanism, the NPS does not believe this addition is necessary.

2.23 Designated Recreation Fee use area

The State commented that this provision has been superseded by 13.66(c).

The NPS agrees with this comment and this section will be deleted.

3.20(a) Water skiing: designated waters

TWS/NPCA/ACE opposed the opening of Denali, Gates of the Arctic, Yukon Charley and Kenai Fjords to water skiing. They also commented on Sitka dropping this entry. Additionally, they recommended that Glacier Bay, Katmai, Wrangell-St. Elias, Western Arctic, Lake Clark and Klondike close their waters to skiing.

Denali, Gates of the Arctic, Yukon Charley and Kenai Fjords were unintentionally shown as open in the proposed compendium. They will remain closed. Sitka does not have jurisdiction over waters off the coast; therefore the entry was dropped as not relevant. The parks currently open to water skiing will weigh their existing use versus the default prohibition on water skiing and develop a determination to continue water skiing or use the default prohibition. Water skiing is on a very small scale, if it exists at all. If water skiing becomes a problem – such as a safety concern, conflict with user groups or resource concerns - it can be addressed in future compendiums. For some parks, the determination to open to water skiing is a long standing one; other parks over the last several years determined to allow the activity as a very small number of individuals have water skied, for instance, on Fourth of July. It is within the authority of individual Superintendent's to designate areas open if that is appropriate in their individual areas. Parks will continue to evaluate this on a park-by-park basis.

3.23(a) SCUBA and snorkeling: designated conditions in swimming, docking, and mooring areas

The State suggested that the NPS delete the “etc.” from the heading in the compendium and mirror the regulation and refer to “mooring areas.” The NPS agrees with this suggestion and has adopted it.

13.17(e)(4)(i) Designating existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

The State requested parks consider whether specific park cabins are routinely used for subsistence purposes during particular times of the year and designate those cabins.

The NPS agrees with this approach for subsistence purposes. However, parks will continue to address the issue of designating cabins for subsistence uses on a park-by-park basis. Many parks may chose to manage cabins as a shared resource between subsistence and other public uses. Katmai proposes no changes to this section at this time.

13.17(e)(5)(i) Designated cabins for general public use.

The State recommended that parks adopt language giving the public short term authority to use the cabins for up to 14 days, similar to language used in the Glacier Bay compendium.

Western Arctic and Wrangell's will use the suggested language in the Glacier Bay proposed compendium. However, because there are significantly different circumstances in each park, a one-size-fits-all approach is not possible for cabin management. For example, after reviewing the Glacier Bay proposed compendium, other than the designated public use cabin, all other cabins are associated with commercial fishing under an exclusive use permit. Glacier Bay will not use the proposed language. Katmai only has one cabin designated for public use and already has a detailed reservation system established. See 13.17(e)(5)(ii). Consequently, the park will not adopt this recommendation for the park areas.

13.18(a)(1) Temporary closures and restrictions to camping

The State commented that the proposed camping closure at Hallo Bay may unfairly favor day users, increase impacts, heighten safety concerns, and may impede access.

The Park agrees that the alternatives suggested by the State of Alaska represent the preferred primary management response to developing conflicts between overnight users and bears. The NPS encourages the use of electric fences and this is a prevalent use with campers at Hallo Bay. The park intends to establish a park website linking the Alaska Department of Fish and Game website on electric fence technology before the closure becomes effective this year. The NPS also believes that education is a preferred alternative. The NPS hopes to improve informational materials and include collaboration with air taxis regarding dissemination of information.

Based on visitor use last summer, the NPS believes this closure was effective in minimizing conflicts between campers and bears. The NPS will continue to carefully monitor this closure in an attempt to accommodate the many sometimes conflicting concerns expressed. The park will recommend but not require the use of electric fences at this time. The park will seek to improve educational aspects of best camping practices. The closure area this year was to assure both campers and day users access while protecting the resources that today's and future visitors come to enjoy. This closure is temporary and will continue to be reevaluated based on effectiveness.

13.19(b) Carrying firearms

The State requested that the NPS adopt a regulation to allow the carrying of firearms across the former Katmai National Monument

While this is not a compendium issue, the NPS is considering this item for future rulemaking.

13.21(e) Temporary closures to the taking of fish and wildlife

The State commented that the NPS should also reference the federal subsistence regulations in this section as they apply to Preserve lands and recommended language.

The NPS does not believe the federal subsistence regulations should be referenced under 13.21(e). We interpret 13.21(b) and (d) to apply only to the taking of fish and wildlife for other than subsistence.

13.22(c) Unattended property

One individual suggested that both the Brooks Lodge porch and Brooks Lodge Office porch be designated as areas that property may be left unattended for any length of time.

The NPS agrees with this suggestion and will designate the Brooks Lodge Office Porch as a place where personal property may be left unattended under 13.22(c).

13.49(a)(2) Restrictions on cutting live timber less than 3” in diameter

The State objected to the requirement of written or verbal permission in absence of a “clear need.”

The NPS believes requiring authorization prior to harvesting timber is important for several reasons. The NPS is concerned about illegal harvest of live timber for firewood, ensuring there are sufficient resources for subsistence purposes, and preventing or minimizing impacts in sensitive areas, preventing over harvest, and ensuring natural biodegradation processes are unimpaired.

43 CFR 36.11(g)(1) ORV’s on existing trails

The State commented that most parks do not have designated trails and requested that the NPS designate trails, where appropriate. The State also specifically requested recognition of the Pike Ridge Trail for ORV use.

The NPS continues to evaluate current ORV use in park units and access needs. Any authorization for ORV use in Alaska park areas will proceed in accordance with applicable federal law, including the National Environmental Policy Act.

**KATMAI NATIONAL PARK AND PRESERVE
ANIAKCHAK NATIONAL MONUMENT AND PRESERVE
ALAGNAK WILD RIVER**

Compendium 2005

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Katmai National Park and Preserve, PO Box 7, King Salmon, Alaska 99613 at (907) 246-3305 for questions relating to information provided in this compendium.*

For the purpose of this compendium, the term "parks," "park areas," or "park units" will refer to Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River. The regulations contained within this compendium apply to all of these areas unless otherwise specified.

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(2) Designated areas for specific use or activity or conditions

Wildlife Distance Conditions

(see also 13.61(b) for Aniakchak and 13.66(d) for Katmai)

- Approaching a bear or any large animal within 50 yards is prohibited.
- Continuing to occupy a position within 50 yards of a bear that is utilizing a concentrated food source, including but not limited to, animal carcasses, spawning salmon, and other feeding areas is prohibited.
- Continuing to engage in any fishing activity within 50 yards of a bear is prohibited. Persons engaged in fishing are required to immediately terminate fishing activity by releasing any fish from the line and removing the line and hook from the water.
 - *It was noted that numerous anglers are engaging in the above mentioned activity and it has allowed bears to acquire fish from people on two different*

occasions. This poses resource and safety concerns since it may condition bears to associate humans and food.

- The prohibitions do not apply to persons
 - (i) engaged in a legal hunt
 - (ii) on a designated bear viewing structure
 - (iii) in compliance with a written protocol approved by the Superintendent
 - (iv) if otherwise directed by a park employee

Areas that possess abundant fish and wildlife attract large numbers of visitors and present high potential for personal injury and altering wildlife behavior. These restrictions on activities that bring people in contact with wildlife are intended to apply a minimum buffer zone around wildlife. It does not imply that 50 yards is always a safe distance from which to observe wildlife. It also does not imply that retreating from a bear is always the best course of action.

A written determination of need per 36 CFR § 1.5(c) is attached.

See specific sections in this document for additional information regarding visiting hours, public use limits, and closures.

1.6(f) Compilation of activities requiring a permit

- Scientific research, 1.5
- Possessing a loaded, operable, or accessible weapon in the former Katmai National Monument, 2.4(d)
- Collecting research specimens, 2.5
- Operating a power saw in developed areas, 2.12(a)(2)
- Operating a portable motor or engine in undeveloped areas, 2.12(a)(3)
- Operating a public address system, 2.12(a)(4)
- Air delivery, 2.17(a)(3)
- Using designated fee areas or facilities, 2.23(b)
- Noncommercial soliciting, 2.37
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, 2.38(a)
- Using or possessing fireworks and firecrackers, 2.38(b)
- Special events, 2.50(a)
- Public assemblies and meetings, 2.51(a)
- Sale and distribution of printed matter, 2.52(a)
- Grazing, 2.60(a)(1), (2)
- Residing on federal lands, 2.61(a)
- Installing a monument or other commemorative installation, 2.62(a)
- Commercial notices or advertisements, 5.1
- Commercial operations, 5.3
- Commercial photography or filming, 5.5
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, 5.7

- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit))
- Cabins on federal lands-
 - General use and occupancy, 13.17(e)(1), (2)
 - Commercial fishing, 13.17(e)(3)
 - Subsistence-exclusive use, 13.17(e)(4)(i)
 - Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, 13.17(e)(7)
 - Cabins otherwise authorized by law, 13.17(e)(8)
- Using aircraft access for subsistence activities in the Monument, 13.45(a), 13.45(b)(1)
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, 13.49(a)(1)
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, 43 CFR 36.10(b)
- Salvaging, removing, possessing aircraft, 43 CFR 36.11 (f)(3)(ii)
- Helicopter landings, 43 CFR 36.11(f)(4)
- Off-road vehicle (ORV) use, 43 CFR 36.11(g)(2)
- Temporary access across federal land for survey, geophysical or exploratory work, 43 CFR 36.12(c)

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead wood on the ground for firewood

Dead and downed wood may be collected for use as fuel for campfires within the former Katmai National Monument.

Superseded by 13.20(c)(4), (d) and 13.49(b) in the **1980 ANILCA Preserve and Park additions**.

2.1(a)(5) Designated areas and conditions for walking on, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue

No designated areas or conditions.

2.1(b) Designated trails

No restrictions on walking or hiking.

2.1(c)(1)-(3) Designated fruits, nuts, berries, and unoccupied seashells to harvest by hand and collection restrictions

In the former Katmai National Monument, all edible fruits, berries, nuts and unoccupied seashells may be gathered by hand for personal use or consumption.

Superseded by 13.20(c)(1) and 13.49(b) in the **1980 ANILCA Preserve and Park additions**.

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

See also 13.21(d)(5).

2.2(e) Designated areas for wildlife viewing with artificial light

No areas designated for closure. For sport hunting in the Preserve, state law generally prohibits the use of artificial light. Federal subsistence hunting regulations prohibit the use of artificial light in most areas. Federal subsistence hunting regulations provide for the use of artificial light in some circumstances. 50 CFR Section 100.26(b)(8).

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters are designated as open to bait fishing, except the Naknek River where bait may be used in accordance with state law pursuant to 13.66(b)(1). Subsistence fishing is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas open to fishing from motor road bridges and public boat docks except the floating bridge in the Brooks Camp Developed Area.

The floating bridge at Brooks Camp is the primary travel route between visitor services provided at Brooks Camp and the viewing platforms along the river. For the safety of visitors no fishing from the bridge will be allowed.

2.4 (a)(2)(i) Carrying, using, or possessing weapons at designated locations and times

Weapons and traps may not be carried within the former Katmai National Monument. (Note: see 2.4(a)(3) authorizing the possession of unloaded weapons that are either inoperable or inaccessible and in a vehicle or vessel).

See 13.19(b) for all other areas.

2.10(a) Camping: conditions and permits

Superseded in part by 13.18(a), 13.66(c)(1).

2.10(d) Food storage: designated areas and methods

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent;
- Park provided metal food lockers at some coastal campsites; and
- Items approved by the Superintendent.

(2) Throughout the park, all food and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food must be stored in a bear resistant container (BRC) or secured—

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

Note: This does not apply to:

- Legally taken game.
- Food that is being transported, consumed, or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park's visitor centers in King Salmon and Brooks Camp.

A written determination of need per 36 CFR § 1.5(c) is attached.

See also 13.66(c)(4) for requirements in the Brooks Camp Developed Area.

See attached Brooks Camp Developed Area Map.

2.11 Picnicking: designated areas

Superseded by 13.18(b).

2.13(a)(1) Fires: designated areas and conditions

No designated areas.

See also 13.66(c)(5) for Brooks Camp Developed Area.

2.14(a)(2) Sanitation and refuse: conditions using government receptacles

Dumping of household, commercial, or industrial refuse brought into the park is prohibited.

2.14(a)(5) Sanitation: designated areas for bathing and washing

No designated areas.

See 13.66(c)(6) for Brooks Camp Developed Area.

2.14(a)(7) Sanitation: designated areas for disposal of fish remains

There are no areas designated.

2.14(a)(9) Sanitation: designated areas for disposal of human waste in undeveloped areas

Human waste will either be removed as trash or deposited in individual, one time use cat-holes dug at least 100 feet from any surface fresh water source and at least 6 inches deep.

This requirement is intended to ensure that proper disposal of human waste occurs in the backcountry to protect water quality and visitor health and safety. The restriction of 6 inches deep is to prevent the disturbance of cultural resource sites.

2.14(b) Sanitation: conditions concerning disposal, carrying out of human waste

All toilet paper and other sanitary products shall be packed out as trash or burned.

2.15(a)(1) Areas designated as closed to pets

No designated areas. Pets must be leashed or physically restrained at all times. See 13.66(c)(7) for the Brooks Camp Developed Area.

2.15(a)(3) Conditions for leaving pets unattended and tied to an object

No conditions at present.

Leaving pets unattended and tied to an object is prohibited.

2.15(a)(5) Pet excrement disposal conditions

No conditions at present.

2.15(b) Conditions for using dogs in support of hunting activities

No conditions at present.

2.16 (a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited.

2.17(c)(1) Conditions for removing downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles: designated areas for use

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11(c).

Superseded by 36 CFR 13.46 for subsistence uses.

2.19(a) Winter activities on roads and in parking areas: designated areas

Roads and parking areas open to vehicle traffic in the winter are designated as open to winter activities.

2.19(b) The towing of persons on skis, sleds, or other sliding devices by motor vehicle or snowmobile is prohibited, except in designated areas or routes

No designated areas.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All public buildings are closed to smoking unless specifically permitted and signed as a designated smoking area. Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.

2.22 Property: leaving property unattended for longer than 24 hours

Superseded by 13.22, 13.66(c)(10), (e).

2.35(a)(3)(i) Alcoholic beverages: areas designated as closed to consumption

No areas designated as closed.

2.38(b) Fireworks: permits, designated areas, and conditions

No areas designated for use of fireworks.

2.51(e) Public assemblies/meetings: designated areas for public assemblies

A permit from the superintendent is required for all public assemblies or meetings. Areas for assemblies or meetings will be designated on the permit.

2.52(e) Sale and distribution of printed matter: areas designated for such use

A permit from the superintendent is required to sell or distribute printed matter. Areas for assemblies or meetings will be designated on the permit.

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit. Any feed brought in must be “weed-free.”

These restrictions seek to lessen the impact of extended camps on vegetation and minimize the risk of nonnative plant invasion.

2.62(b) Memorialization: designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.3 Permits

No permits required at present.

3.6(i) Boating, prohibited operations: designated launching areas

All areas are open to launching of boats.

3.6(l) Operating a vessel in excess of designated size

No maximum size designations at present.

3.20(a) Water skiing: designated waters

All waters are designated as open.

3.21(a)(1) Swimming and bathing: areas designated as closed

All areas are open to swimming and bathing.

3.23(a) SCUBA and snorkeling: designated conditions in swimming, docking, and mooring areas.

No conditions established at present.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Routes or areas designated for off-road motor vehicle use in Preserves

No designated routes or areas.

See also 43 CFR 36.11(g).

4.11(a) Load weight and size limits: permit requirements and restrictive conditions

No restrictions at present.

4.21(b)-(c) Speed limits: designation of a different speed limit

Speed limits on the Lake Camp road are 25mph unless otherwise posted.

The reduced speed limit is for public safety. Pedestrians, bicyclists and wildlife often use the roadway and visibility is limited due to road design and vegetation.

4.30(a) Routes designated as open to bicycles

Superseded by 43 CFR 36.11(e).

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

4.31 Hitchhiking: designated areas

All areas are open to hitchhiking.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

5.7 Construction of buildings, roads, trails, airstrips, or other facilities

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

PART 13. ALASKA REGULATIONS

SUBPART A – PUBLIC USE AND RECREATION

13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence uses without a permit

No designations at present.

13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

No conditions or standards established at present.

13.17(e)(5)(i) Designated cabins or other structures for general public use

Fure's Cabin at the northeast corner of the "Bay of Islands" in the north arm of Naknek Lake is designated as a public use cabin.

13.17(e)(5)(ii) Established conditions and allocation system to manage the use of designated public use cabins

The following conditions apply to Fure's cabin at the northeast corner of the "Bay of Islands" in the north arm of Naknek Lake:

- Use of the cabin site for specific administrative uses shall have priority over all unreserved public use when deemed necessary by the park superintendent.
- All use will be conducted for recreational activity by reservation through the King Salmon office.
- No commercial overnight use is permitted at the cabin.
- Reservations shall be made on a first-come first-served basis beginning no earlier than January 1 of each calendar year of the intended use.
- Use will be limited to groups no larger than six and the names of all group members shall be provided at the time a reservation is requested.
- Overnight stays are limited to no more than four consecutive nights and no more than seven nights a year.

- Use of the adjacent historic tower is not permitted.
- The use of a tent within the cleared area around the cabin is prohibited.
- Alterations to the structure, marring the surface of the wood logs, framing or other components of the cabin and surrounding structures is prohibited.

This requirement allows for equitable public use of the Fure's Cabin.

13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility used in excess of 14 days

Individuals must remove facility, all personal property, and return the site to its natural condition.

These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.

13.18(a)(1) Temporary closures and restrictions to camping

Camping is prohibited in the core Hallo Bay Meadows as shown in Appendix C from May 15th through July 15th.

This restriction is intended to prevent conflicts with bears and visitors at prime feeding sites that attract bears and bear viewers while providing for overnight camping in the area.

A written determination of need per 36 CFR § 1.5(c) is attached.

13.18(a)(2) Site time limits: authorization to exceed 14 day limit at one location

No general exceptions at present.

13.18(a)(3) Designated campgrounds: restrictions, terms, and conditions

See also 13.66(c) for Brooks Camp Developed Area.

13.18(b) Picnicking-areas where prohibited or otherwise restricted

No restrictions at present. See 13.66(c)(9) for restrictions in Brooks Camp Developed Area.

13.19(b) Temporary closures or restrictions to carrying, possessing, or using firearms

There are no additional restrictions in the 1980 ANILCA Preserve and Park Additions. See 2.4(a)(2)(i) for restrictions in the former Katmai National Monument.

13.20(d) Collection of dead standing wood: areas designated as open and conditions for collection

No designated areas.

See 2.1(a)(4), (c)(1)-(3) for restrictions in the former Katmai National Monument.

13.20(f)(1) Natural features: size and quantity restrictions for collection

See 2.1(a)(4), (c)(1)-(3) for restrictions in the former Katmai National Monument.

13.20(f)(2) Natural features: closures or restrictions due to adverse impacts

No closures or restrictions at present.

See 2.1(a)(4), (c)(1)-(3) for restrictions in the former Katmai National Monument.

13.21(e) Temporary closures to the taking of fish and wildlife

No closures at present where hunting is authorized. See applicable State of Alaska hunting regulations for Katmai National Preserve, Aniakchak National Preserve, and Alagnak Wild River. Sport hunting is prohibited in Aniakchak National Monument. Katmai National Park is closed to all hunting.

13.22(b)(1)-(6) Exceptions to unattended or abandoned property

Superintendent authorizations for exceptions for unattended or abandoned property are made on a case by case basis. Contact park headquarters for more information.

13.22(c) Designated areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

Leaving a boat, trailer, or vehicle unattended for more than 72 hours at the facilities associated with the Lake Camp launching ramp is prohibited without authorization from the Superintendent. Leaving a boat unattended at the Lake Camp dock is prohibited.

In addition to the places in the Brooks Camp Developed Area designated in 13.66(c)(10), personal property may be left unattended at the Brooks Lodge Office Porch.

13.30(h) Facility closures and restrictions

No restrictions at present.

SUBPART B – SUBSISTENCE

13.46 Closures or restrictions to the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses

See also 36 CFR 2.16, 2.17, 2.18, 3.6, 4.10, 4.30; 43 CFR 36.11(c)-(e).

13.49(a)(1) Permit specifications for harvesting live standing timber greater than 3” diameter for subsistence purposes (house logs & firewood)

Cutting of live timber for subsistence or any other purpose is not authorized in Katmai National Park. In all other areas, the Superintendent may allow subsistence harvest of trees greater than 3” subject to the terms and conditions of a permit issued by the superintendent.

The above restriction serves to minimize impact to park resources, ensure that natural biodegradation processes are unimpaired, and protect against over harvest.

13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes

Cutting of live timber is not authorized in Katmai National Park. In all other areas, verbal or written permission from the Superintendent is required to cut live timber less than 3" in diameter, except as necessary to clear designated vehicle routes and airstrips.

The above restriction serves to minimize impact to park resources and protect against over harvest.

SUBPART C – SPECIAL REGULATION, SPECIFIC PARK AREAS

13.66(b) Traditional redfish fishery: conditions established by the Superintendent

No conditions at present.

13.66(c)(1)(i) Brooks Camp Developed Area (BCDA): designated camping areas

Camping is authorized at the Brooks Camp Campground only.

13.66(c)(3) Brooks Camp Developed Area (BCDA): designated route through Brooks Falls closure

A map showing the designated route is available at the Brooks Camp Visitor Center.

13.66(c)(4) Brooks Camp Developed Area (BCDA): designated facilities and conditions for food storage

Food storage facilities are provided at Brooks Campground, Brooks Lake, and Naknek Lake.

13.66(c)(6) Brooks Camp Developed Area (BCDA): designated areas for washing dishes or cooking utensils

Washing dishes or cooking utensils at locations other than the water spigot near the food cache in the Brooks Campground or other designated areas is prohibited.

13.66(c)(10) Brooks Camp Developed Area (BCDA): designated equipment caches for leaving property unattended

Brooks Camp Developed Area

Leaving property, other than motorboats and planes, unattended for any length of time within the BCDA is prohibited, except at the Brooks Lodge Porch, Brooks Campground, or designated equipment caches at the Brooks Camp Visitor Center. The Brooks Lodge Office Porch is also designated as an area where property may be left unattended pursuant 13.22(c).

13.66(c) Brooks Camp Developed Area (BCDA): closures and restrictions

No closures and restrictions.

13.66(d): Wildlife distance conditions: designated bear viewing structure

There are three bear viewing structures: the platforms at the mouth of the Brooks River, the Falls and the Riffles.

The Falls and Riffles bear viewing platforms and boardwalks are closed from 10 pm to 7 am during the period June 15 through August 15. Entering or going upon these platforms and boardwalks during these hours is prohibited.

A schedule of visiting hours is required per the Finding of No Significant Impact for the Brooks River-Bear Viewing Facility. The schedule is intended to provide bears access to Brooks Falls and vicinity during the predictable period of time in which the general public is absent from viewing structures.

13.66(d): Wildlife distance conditions: written protocol for viewing bears closer than 50 yards

There is no written protocol at present.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures to the use of snowmachines for traditional activities

No closures at present.

See also 2.18.

36.11(d) Temporary closures to the use of motorboats

No closures at present.

See also 3.3, 3.6.

36.11(e) Temporary closures to the use of non-motorized surface transportation

No closures at present.

See also 2.16, 3.3, 3.6.

36.11(f)(1) Temporary closures to landing fixed-wing aircraft

No closures at present.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

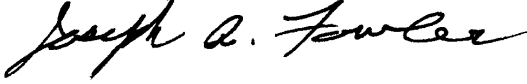
A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the NPS lands; violation of the terms and conditions of the permit is prohibited.

This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

36.11(g)(2) Use of off-road vehicles (ORV) on existing trails

No designated trails. See also 4.10.

This compendium is approved and rescinds all previous compendiums issued for Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River.

Joseph A. Fowler 
Superintendent: _____ **Date:** _____

Attachments: 1.5 Wildlife Viewing Conditions Determination
2.10 Food Storage Determination
13.18 Camping Closure Determination
Brooks Camp Developed Area Map
Hallo Bay Seasonal Camping Closure Map

**KATMAI NATIONAL PARK AND PRESERVE
ANIACHAK NATIONAL MONUMENT AND PRESERVE
ALAGNAK WILD RIVER**

Superintendent's Order for 2005 Compendium and Determination of Need for Wildlife Distance Conditions.

36 CFR 1.5 Closures and public use limits.

(a)(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

2004 Superintendent's Order: Wildlife Viewing Conditions

Persons may not approach within 50 yards of a bear or any large mammal. Persons may not continue to occupy a position within 50 yards of a bear utilizing a concentrated food source, including but not limited to animal carcasses, spawning salmon, and other feeding areas. This regulation does not apply to persons engaged in a legal hunt, on a designated bear viewing structure, in compliance with an approved protocol, or if otherwise directed by NPS.

36 CFR 1.5 Closures and public use limits.

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action.

Determination of Need

The current Superintendent's Order does not adequately prevent bears from obtaining fish from anglers. This additional restriction would.

One objective of this revision is to address the recommendation from the State of Alaska to develop a program "...to prevent visitors from 1) approaching bears intentionally, 2) fishing in close proximity to bears, and 3) blocking bears' access to salmon.". (State of Alaska Issue Summary and Discussion Document for the October 1-2, 2002 meeting between the Service and the State)

Other management options were considered including permits, seasonal closures, and area restrictions to allow only agency-guided tours. These were rejected as being unnecessarily restrictive, unenforceable, or exceeding the ability of the park to implement.

Less restrictive measures, including no distance rule, were considered but rejected as not meeting resource protection and visitor safety needs. Areas that possess abundant fish and wildlife attract large numbers of visitors and present high potential for personal injury and altering wildlife behavior. These restrictions on activities that bring people in contact with wildlife are intended to apply a minimum buffer zone around wildlife. It does not imply that 50 yards is always a safe distance from which to observe wildlife.

36 CFR 1.5 Closures and public use limits.

(a)(2) Designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

2005 Superintendent's Order: Wildlife Distance Conditions

Persons may not approach within 50 yards of a bear or any large mammal or bear or large mammal with young. Persons may not remain within 50 yards of any bear utilizing a food source. Person may not continue to engage in any fishing activity within 50 yards of a bear. Persons engaged in fishing activity are required to immediately terminate fishing activity by releasing any fish from the line and removing the line and hook from the water. This regulation does not apply to persons engaged in a legal hunt, on a designated bear viewing structure, in compliance with a specific site protocol, or if otherwise directed by NPS.

- *It was noted that numerous anglers are engaging in the above mentioned activity and it has allowed bears to acquire fish from people on two different occasions. This poses resource and safety concerns since it may condition bears to associate humans and food.*

Note that the entire Superintendent's Order for Wildlife Distance Conditions regulation is intentionally presented in the Compendium because the Alagnak Wild River does not have a park specific subpart.

**KATMAI NATIONAL PARK AND PRESERVE
ANIAKCHAK NATIONAL MONUMENT AND PRESERVE
ALAGNAK WILD RIVER**

Superintendent's Order for 2005 Compendium and Determination of Need for Food Storage

36 CFR 2.10 (d) Food Storage – designated areas and methods.

2004 Superintendent's Order: Food Storage – designated areas and methods

All food, food containers, garbage, harvested fish and equipment used to cook or store food must be secured in one of the following ways unless it is being transported, consumed or prepared for consumption. The before mentioned must be secured within a building or designated food cache, lockable and hard sided section of a vehicle, vessel, or aircraft, in a bear resistant food container, or suspended at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk, wire cable, or other object. This does not apply to the use of bait for trapping and hunting under the provisions of state and federal law.

36 CFR 1.5 Closures and public use limits.

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action.

Determination of Need

Wildlife in a natural ecosystem is adapted to exist on natural food sources only. Obtaining human food negatively alters behavior and nutrition of wildlife. Brown bears are common throughout the parklands. Bears are readily attracted to even small quantities of human food. They are very curious and intelligent, and will commonly open or enter containers, tents, and structures. Bears are extremely susceptible to habituation to human food sources. Once they have learned to associate a site or item (e.g. tent, kayak, boat, etc.) with acquisition of food, they will return to that source repeatedly for further food rewards. Bears which become habituated to human food in this area are likely to be killed by humans in defense of life or property inside the parklands or on adjacent lands. Humans are at risk of injury or death when bears attempt to obtain food from tents, packs, vessels, or other similar areas.

36 CFR 13.30 temporary closures and restrictions.

(d)(2) other temporary closures shall be effective upon notice as prescribed in 13.30 (f).

2005 Superintendent's Order: Food Storage

(1) Definition: A *bear resistant container* (BRC) means an item constructed to prevent access by a bear. BRC's include—

- Items approved by the Department of Interior and Agriculture's Interagency Grizzly Bear Committee (<http://www.fs.fed.us/r1/wildlife/igbc/>);
- Items approved by the National Park Service's Sierra Interagency Black Bear Group (<http://www.nps.gov/seki/snrm/wildlife/sibbwg.htm>);
- Any additional items listed by the State of Alaska, Department of Fish and Game, Division of Wildlife Conservation (<http://www.wildlife.alaska.gov/aawildlife/containers.cfm#lightweight>), with the concurrence of the Superintendent;
- Park provided metal food lockers at some coastal campsites; and
- Items approved by the Superintendent.

(2) Throughout the park, all food and beverages, food and beverage containers, garbage, harvested fish and equipment used to cook or store food must be stored in a bear resistant container (BRC) or secured—

- Within a hard sided building;
- Within lockable and hard sided section of a vehicle, vessel, or aircraft; or
- By caching a minimum of 100 feet from camp and suspending at least 10 feet above the ground and 4 feet horizontally from a post, tree trunk or other object on a line or branch that will not support a bear's weight.

Note: This does not apply to:

- Legally taken game.
- Food that is being transported, consumed, or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

The intent of these designations is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike. We strongly recommend that dishes and cooking equipment be securely stored; but clean and odor free items are not required to be stored in secure containers. Ice chests and coolers, tents, dry bags or stuff sacks, plastic packing boxes (Totes, Action Packers, etc) and unmodified kayaks are not generally approved as BRC. The park offers bear resistant containers for temporary use to the public. The containers are free of charge and can be picked up at the park's visitor centers in King Salmon and Brooks Camp.

**KATMAI NATIONAL PARK AND PRESERVE
ANIAKCHAK NATIONAL MONUMENT AND PRESERVE
ALAGNAK WILD RIVER**

Superintendent's Order for 2004 Compendium and Determination of Need for Backcountry Camping

36 CFR 13.18 (a) *Camping*. Camping is permitted in park area except where such use is prohibited or otherwise restricted by the Superintendent in accordance with the provisions of 36 CFR 13.30, or as set forth for specific park areas in subpart C of this part.

2004 Superintendent's Order: Backcountry Camping:

Camping is prohibited in the core Hallo Bay meadows (as shown in attachments) from May 15th through July 15th.

This restriction is intended to prevent conflicts with bears and visitors at prime feeding sites that attract bears and bear viewers while providing for overnight camping in the area.

36 CFR 1.5 Closures and public use limits.

(c) Except in emergency situations, prior to implementing or terminating a restriction, condition, public use limit or closure, the superintendent shall prepare a written determination justifying the action.

Determination of Need

The 2004 Superintendent's Order restricting camping in the Hallo Bay meadows has not changed for 2005.

To address growing popularity of camping associated with bear viewing at Hallo Bay a short term, site-specific restriction will be implemented for the 2004 season. The area closed to camping will be limited to the core meadow areas and duration limited to a period of time that coincides with heavy use of the sedge meadows as a seasonal food sources by bears. This restriction will be established in a manner that makes camping areas available on the periphery of the meadows and near primary access points providing reasonable access for day use by campers. The purpose of this restriction is to minimize displacement of bears from critical feeding sites, prevent user group conflicts, and reduce bear/human confrontations in camp situations.

Other management options were considered including camping by permit or registration only, designated sites, and management zones. The park considered extensive comment on this issue from individuals, organizations, and the State of Alaska. Most of these comments supported some type of restriction on camping in the Hallo Bay meadows with

designated sites recommended by a majority of the commenters. Each of these alternatives was considered but found more restrictive than necessary to achieve the stated purpose. The park also lacks appropriate planning, compliance, and resources to establish designated sites or a registration system at the time.

Consistent with 36 CFR 13.30(d)(2) and 13.30(f) this temporary restriction, including site map, will be available at visitor centers and offices, on the park's web site, posted locally, and distributed to users through commercial operators.

36 CFR 13.30 temporary closures and restrictions.

(d)(2) other temporary closures shall be effective upon notice as prescribed in 13.30 (f).

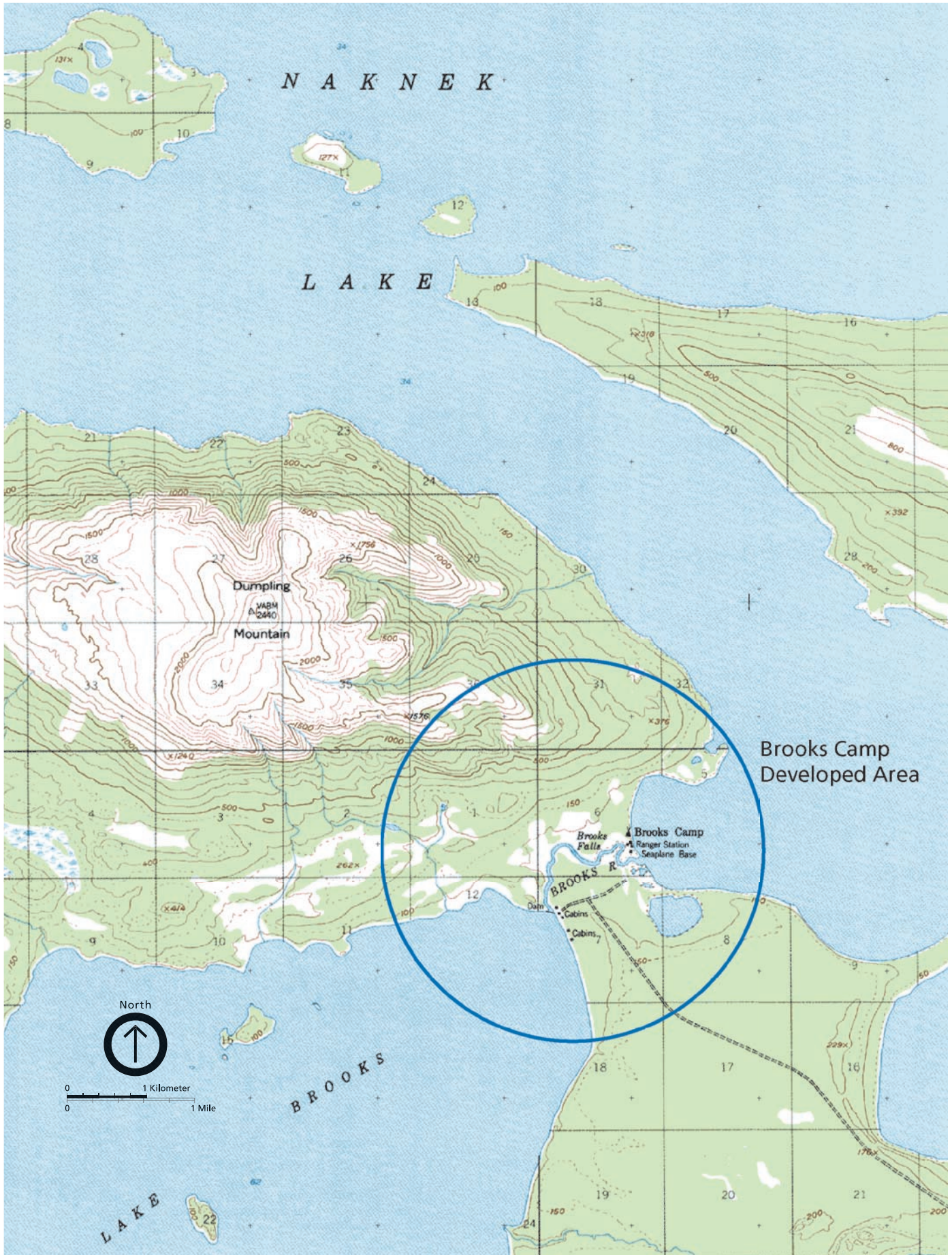
2005 Superintendent's Order: Backcountry Camping Restriction

Camping is prohibited in the core Hallo Bay meadows (as shown in the attachments) from May 15th through July 15th.

This restriction is intended to prevent conflicts with bears and visitors at prime feeding sites that attract bears and bear viewers while providing for overnight camping in the area.

For the purposes of this section, camping is defined as any planned overnight stay within park areas.

Katmai National Park and Preserve Compendium 2005



Hallo Bay Seasonal Camping Closure
Katmai National Park and Preserve Compendium 2005

